

JUDGE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	No. CR22-5139-DGE
Plaintiff,	)	
v.	)	UNOPPOSED DEFENSE MOTION TO
JOAO RICARDO DEBORBA,	)	CONTINUE TRIAL DATE AND
Defendant.	)	PRETRIAL MOTIONS DUE DATE

Joao DeBorba, through his attorney, Assistant Federal Public Defender Rebecca Fish, respectfully requests a continuance of the trial date to June 26, 2023, with a pretrial motions deadline consistent with the new trial date. The request for continuance is unopposed by the Government, as represented by Assistant United States Attorney Max Shiner.

1) Mr. DeBorba is charged by Indictment with:

COUNT 1 & 2 Unlawful Possession of Firearms and Ammunition,  
In violation of 18 U.S.C. § 922(g)(5) and (8);

COUNT 3 Unlawful Possession of a Firearm, in violation of 18  
U.S.C. § 922(g)(5);

COUNT 4 & 5 False Statement During Purchase of Firearm, in  
violation of 18 U.S.C. § 922(a)(6); and

COUNT 6 False Claim to United States Citizenship, in violation  
of 18 U.S.C. § 911.

1           2)     On May 6, 2022, Mr. DeBorba was arrested and made his initial  
2 appearance in Court before Judge David W. Christel (dkt. 1, 6). An Indictment was  
3 returned on May 19, 2022 (dkt. 9) and Mr. DeBorba was arraigned on May 31, 2022  
4 (dkt. 13).

5           Two previous extensions of the trial date have been granted and trial is presently  
6 set for March 27, 2023 with pretrial motions due February 17, 2023 (dkt. 22).

7           3)     Defense counsel has received initial discovery from the government,  
8 consisting of over 9000 pages of written materials, as well as multi-media metadata and  
9 YouTube logs.

10          4)     Defense counsel has been diligently working through the voluminous  
11 discovery as well as important factual and legal investigation. However, the defense  
12 team requires additional time to complete necessary investigation, and defense counsel  
13 requires additional time to effectively research and prepare pretrial motions—including  
14 potential motions based on *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S.  
15 Ct. 2111 (2022).

16          5)     The defense requests additional time to continue its factual and legal  
17 investigation of this case and to explore potential legal, immigration, and factual issues  
18 for purposes of pretrial motions and advising Mr. DeBorba. In order to provide  
19 effective assistance of counsel to Mr. DeBorba for these very serious charges, the  
20 defense requests additional time beyond the current trial date of March 27, 2023, in  
21 order to prepare for trial and file pre-trial motions.

22          For these reasons, the parties request the Court find that:

23          (a) taking into account the exercise of due diligence, a failure to grant a  
24 continuance would deny counsel for the defendant the reasonable time necessary for  
25 effective preparation, due to counsel’s need for more time to review the evidence,  
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1 consider possible defenses, and gather evidence material to the defense, as set forth in  
2 18 U.S.C. § 3161(h)(7)(B)(iv); and

3 (b) a failure to grant a continuance would likely result in a miscarriage of justice,  
4 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

5 (c) the additional time requested is a reasonable period of delay, as the defendant  
6 has requested more time to prepare for trial, to investigate the matter, to gather evidence  
7 material to the defense, and to consider possible defenses; and

8 (d) the case is sufficiently complex that it is unreasonable to expect adequate  
9 preparation for pretrial proceedings or the trial itself within the current trial schedule, as  
10 set forth in 18 U.S.C. § 3161(h)(7)(B)(ii); and

11 (e) the ends of justice will best be served by a continuance, and the ends of  
12 justice outweigh the best interests of the public and the defendant in any speedier trial,  
13 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

14 (f) the additional time requested between the current trial date of March 27,  
15 2023, and the new trial date of June 26, 2023, is necessary to provide counsel for the  
16 defendant reasonable time to prepare for trial considering all of the facts set forth  
17 above.

18 Mr. DeBorba has executed a speedy trial waiver through June 30, 2023, which  
19 will be filed with this motion.

20 Defense counsel has conferred with Assistant United States Attorney Max  
21 Shiner who has no objection to a continuance of the trial date and pretrial motions due  
22 date.

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1 The parties further ask the Court to exclude the time period from the date of this  
2 motion to the new trial date for purposes of computing the time limitations imposed by  
3 the Speedy Trial Act.

4 DATED this 23rd day of December 2022.

5 Respectfully submitted,

6 s/ Rebecca Fish

7 Assistant Federal Public Defender

8 Attorney for Mr. Joao DeBorba  
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